IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 14098 of 2005

Between:

Muthyam Bhoomaiah S/o Muthyam Lachaiah
Kesoram Cement, Basanthnagar, Karimnagar District.

..... PETITIONER

AND

1. Kesoram Cements, Basanthnagar, Karimnagar District rep by Factory Manager.
2. Kesoram Cements , Basanthanagar, Karimnagar District rep by Director

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent herein in not correcting the date of birth of the petitioner as 10-11-1960 in the service records of Kesoram Cement Factory Basanthnagar, Krimnagar District as per the valid documentary proof adduced by the petitioner to that effect, as illegal, arbitrary and to forthwith direct the 1st respondent to make the necessary correction of the date of birth of the petitioner herein as 10-11-1960 in stead of 1-10-1947 in the service records and thereby release all the consequential benefits to the petitioner herein.

Counsel for the Petitioner: MR.K.SHANTI KUMAR

Counsel for the Respondents: MR.V.RAJAGOPAL REDDY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner, who is stated to be an employee/workman of the respondent-Company, seeking a writ of Mandamus declaring the action of the first respondent in not correcting his date of birth as 10.11.1960 in the service records as illegal, arbitrary and sought for a consequential direction to the respondent-Company to correct the date of birth.

The petitioner sought this relief against a company, which is not State owned and the learned counsel for the petitioner is not in a position to satisfy this Court as to how this writ petition is maintainable against a private company. Even otherwise, the alteration of date of birth requires factual adjudication and appreciation, and this Court cannot appreciate factual aspect while exercising jurisdiction under Article 226 of the Constitution of India. On both these grounds, the writ petition is not maintainable.

Accordingly, the writ petition is dismissed as not maintainable. No costs.

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01.07.2005

VGB

To

1. The Factory Manager, Kesoram Cements, Basanthnagar, Karimnagar District.
2. The Director, Kesoram Cements , Basanthanagar, Karimnagar District.
3. 2CD copies.
4. 1CC to Mr.Rajagopal Reddy.